

New Rules at 318 IAC 1 Concerning the Inspection and Cleanup of Properties Contaminated by Chemicals Used in the Illegal Manufacture of a Controlled Substance

LSA Document #06-125

Overview

This rule adds requirements to clean up property that has been contaminated by chemicals used in the illegal manufacture of a controlled substance, adds standards for listing persons who are qualified to clean up those properties, and sets standards for cleaning up contaminated properties.

Citations Affected

318 IAC 1

Affected Persons

Owners of property that has been contaminated by chemicals used in the illegal manufacture of a controlled substance and their agents. Persons who apply to be listed by IDEM as qualified to inspect and clean such property. Persons who clean up contaminated property.

Reasons for the Rule

This rule is required by IC 13-14-1-15, added by Public Law 192-2005 (SEA 444).

Economic Impact of the Rule

The economic impact of this rule cannot be meaningfully quantified at this time. Most costs to remediate properties are balanced by revenues to contractors who decontaminate these properties.

Benefits of the Rule

This rule will result in cleanup of properties contaminated by chemicals used in the illegal manufacture of a controlled substance, reduction in health risks to persons who occupy those properties, and increase in value and marketability of surrounding properties.

Description of the Rulemaking Project

This rule adds 318 IAC 1 to require persons who own property that has been contaminated by chemicals used in the illegal manufacture of a controlled substance to have that property

decontaminated before reoccupying the property or transferring an interest in that property to another person, and to establish criteria and procedures for IDEM to use to maintain a list of persons who are qualified to inspect and clean contaminated properties. The list will be available allow owners of contaminated properties to find qualified remediation contractors and inspectors who can properly clean the contaminated properties. This rule also establishes standards for cleaning up contaminated properties.

Scheduled Public Hearing

The public hearing for this rule will be held on June 27, 2006, at 1:30 p.m., in the Indiana Government Center - South, Conference Center Room C, 302 West Washington Street, Indianapolis, Indiana.

Publication History

Notice of Intent: May 1, 2006 (29 IR 2588)

Previous Publications on this Subject

August 1, 2005 (28 IR 3359)

January 1, 2006 (29 IR 1396)

Consistency with Federal Requirements

This rule does not conflict with any current federal regulatory program.

Rulemaking Process

The first step in the rulemaking process is a Notice of Intent published in the *Indiana Register*. IDEM takes comment on the rule and publishes a Proposed Rule and Notice of Public Hearing in the *Indiana Register*. The public hearing is held and public comments are heard. Following the public hearing, the commissioner of IDEM adopts the final rule. After adoption by the commissioner, the rule must be approved by the Indiana Attorney and the Governor. If approved, the rule becomes effective 30 days after filing with the Secretary of State.